

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

GREAT BASIN RESOURCE WATCH;  
WESTERN SHOSHONE DEFENSE  
PROJECT,

Plaintiffs,

v.

UNITED STATES BUREAU OF LAND  
MANAGEMENT; UNITED STATES  
DEPARTMENT OF THE INTERIOR; AMY  
LUEDERS, BLM State Director; and  
CHRISTOPHER J. COOK, BLM Mt. Lewis  
Field Manager,

Defendants.

3:13-cv-78-RCJ-VPC

**ORDER**

Currently before the Court are Plaintiffs' Motion for Preliminary Injunction (#5); Plaintiffs' Motion for Order Regarding Scope of Any Hearing on Pending Motion for Preliminary Injunction (#22); and Plaintiffs' Motion to Strike the Answer of the Federal Defendants (#36).

**DISCUSSION**

On February 15, 2013, Plaintiffs Great Basin Resource Watch and Western Shoshone Defense Project (collectively "Plaintiffs") filed a complaint for declaratory and injunctive relief against Defendants U.S. Bureau of Land Management ("BLM"); U.S. Department of the Interior; Amy Lueders, BLM State Director; and Christopher J. Cook, BLM Mount Lewis Field Manager (collectively "Defendants"). (Compl. (#1) at 1). Plaintiffs filed the complaint to challenge the Department of Interior's and BLM's decisions to approve the Mount Hope Project ("Project" or "Mine"), a large open pit mining project on public lands proposed by Eureka Moly,

1 LLC (“EML”).<sup>1</sup> (*Id.* at 2). Plaintiffs specifically challenged the Record of Decision (“ROD”)   
2 approving the Mine and related rights-of-way for electrical transmission lines signed by Cook,   
3 the Field Manager of the Mount Lewis BLM Field Office, and the corresponding Final   
4 Environmental Impact Statement (“FEIS”) that BLM prepared for the Mine. (*Id.*). Plaintiffs   
5 also challenged BLM State Director Lueders’ decision to reject Plaintiffs’ petition for state   
6 director review of the ROD and FEIS. (*Id.* at 3).

7 On February 20, 2013, Plaintiffs filed a motion for preliminary injunction. (Mot. for   
8 Preliminary Inj. (#5)). BLM and EML filed responses. (BLM Opp’n to Mot. for Preliminary Inj.   
9 (#25); EML Opp’n to Mot. for Preliminary Inj. (#42)). Plaintiffs filed a reply. (Reply to Mot. for   
10 Preliminary Inj. (#32)).

11 In July 2013, this Court scheduled oral argument on the three pending motions for   
12 September 3, 2013. (See Minute Order (#46)). On August 20, 2013, the parties filed a Joint   
13 Stipulation to Continue Preliminary Injunction Oral Argument. (Joint Stip. (#47)). The joint   
14 stipulation stated that, as a result of the current economic conditions, all major ground-   
15 disturbing construction activities at the Mount Hope Project have ceased. (*Id.* at 2). EML   
16 anticipates that the earliest that significant ground-disturbing construction will recommence is   
17 March 1, 2014. (*Id.*). As such, all of the parties agree that oral argument on the Motion for   
18 Preliminary Injunction (#5) and Motion for Order Regarding Scope of Any Hearing on Pending   
19 Motion for Preliminary Injunction (#22) are not necessary at the present time and “should be   
20 continued without date.” (*Id.*). The parties state that if circumstances change and EML   
21 decides to recommence any significant ground-disturbing construction approved under the   
22 BLM’s ROD, EML will provide at least 60 days’ notice to Plaintiffs before recommencing the   
23 ground-disturbing work. (*Id.*). The parties state that, in the event that EML provides notice of   
24 recommencement of work or Plaintiffs believe that the scope of limited activities noted in the   
25 stipulation are being exceeded, the parties agree that Plaintiffs may request that this Court set

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27 <sup>1</sup> On March 12, 2013, EML filed an unopposed motion to intervene. (Mot. to Intervene   
28 (#18)). On July 11, 2013, the Court granted EML’s motion to intervene. (Minute Order (#41)).

1 oral argument on the Motion for Preliminary Injunction (#5) and Motion for Order Regarding  
2 Scope of Any Hearing on Pending Motion for Preliminary Injunction (#22) at the Court's  
3 earliest convenience. (*Id.* at 2-3).

4 In light of the joint stipulation, the Court grants the parties' request to vacate the oral  
5 argument scheduled for September 3, 2013. However, the Court denies the Motion for  
6 Preliminary Injunction (#5) and Motion for Order Regarding Scope of Any Hearing on Pending  
7 Motion for Preliminary Injunction (#22) at this time without prejudice. Plaintiffs are directed to  
8 re-file those motions upon EML's notice of recommencement of work or when Plaintiffs believe  
9 the limited scope of activities described in the stipulation are being exceeded.

10 The Court denies as moot the Motion to Strike the Answer of the Federal Defendants  
11 (#36) in light of the joint stipulation stating that Plaintiffs' believe their motion is moot and  
12 because Federal Defendants have filed an Amended Answer addressing Plaintiffs' initial  
13 concerns. (Joint Stip. (#47) at 2; Am. Answer (#37); Reply to Mot. to Strike (#40) at 3).

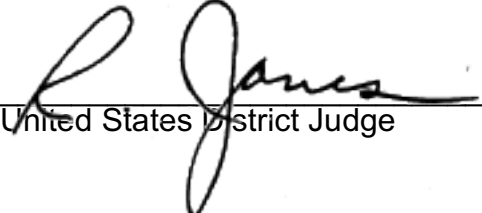
#### 14 CONCLUSION

15 For the foregoing reasons, IT IS ORDERED that Plaintiffs' Motion for Preliminary  
16 Injunction (#5) is DENIED without prejudice.

17 IT IS FURTHER ORDERED that Plaintiffs' Motion for Order Regarding Scope of Any  
18 Hearing on Pending Motion for Preliminary Injunction (#22) is DENIED without prejudice.

19 IT IS FURTHER ORDERED that Plaintiffs' Motion to Strike the Answer of the Federal  
20 Defendants (#36) is DENIED as MOOT.

21 Dated this 22nd day of August, 2013.  
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25 United States District Judge  
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